OPEN MEETING MINUTES
Missouri State Board of Embalmers and Funeral Directors

March 5-6, 2003 – 1:00 p.m.
Zenos Motel & Steak House
1621 Martin Springs Drive
Rolla, MO  65401

Wednesday – March 5, 2003

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Donn James, Chairman, at 1:00 p.m. on Wednesday, March 5, 2003, at Zenos Motel & Steak House, 1621 Martin Springs Drive, Rolla, Missouri.

Roll Call

Board Members Present
Donn James, Chairman
William H. (Bill) Stuart, Vice Chairman
Marcia Shadel, Secretary
Jerry Griffin, Member
Kenneth McGhee, Member
Joy Gerstein, Public Member

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Clerk IV
Lori Wansing, Inspector
Sharon Euler, Assistant Attorney General

Public Present
Randy Singer, Forever Enterprises
John McCulloch, APS
Greg Russell, CRL
Darlene Russell, CRL
Sherry Anderson, MFDA
Andrea Cassil, NPS

Approval of Agenda
Motion was made by Jerry Griffin and seconded by Kenneth McGhee to approve the open agenda as submitted. Motion carried unanimously with all members participating.

Approval of Minutes
- December 2-3, 2002 Open Meeting Minutes
Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the December 2-3, 2002 Open Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **December 9, 2002 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the December 9, 2002 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **December 16, 2002 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the December 16, 2002 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **January 2, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the January 2, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **January 8, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the January 8, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **January 24, 2003 Open Conference Call Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the January 24, 2003 Open Conference Call Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **January 27, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the January 27, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **January 30, 2003 Open Conference Call Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the January 30, 2003 Open Conference Call Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **February 5, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the February 5, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **February 12, 2003 Open Meeting Minutes**
Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the February 12, 2003 Open Meeting Minutes as submitted. Motion carried unanimously with all members participating.

**Confirmation of Board Members**
The chair introduced the new board members, Kenneth McGhee, owner and operator of Archway Funeral Home Inc. in Hazelwood and Joy Gerstein, the new public member from Washington. Mr. McGhee and Mrs. Gerstein were confirmed by the Senate, January 29, 2003.

**Executive Director’s Report**
Becky Dunn reported on the FY2002 Monthly Fund Balance Sheet as follows:

<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2003 Beginning Fund Balance</td>
<td>$907,054.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>$124,551.84</td>
<td>$162,994.00</td>
<td>$38,442.16</td>
</tr>
<tr>
<td>Expense and Equipment</td>
<td>$29,611.76</td>
<td>$149,634.00</td>
<td>$120,022.24</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$224,265.04</td>
<td>$440,988.72</td>
<td>$216,723.68</td>
</tr>
<tr>
<td>Ending Fund Balance</td>
<td>$777,729.37</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A motion was made by Kenneth McGhee and seconded by Marcia Shadel to have the Executive Director provide the board with a 5 year projection of the board’s revenue, expenditures and fund balance at the next meeting and present this information to the board at least two times a year to keep the board abreast of the board’s revenue and expenditures.

**Preneed Provider and Seller Annual Reports**
Lori Wansing reported that six (6) preneed providers and two (2) preneed sellers are delinquent in the filing of the annual reports. A certified letter was mailed to all preneed providers and preneed seller locations giving them an opportunity to submit their annual reports, to avoid disciplinary action.

**Rules**
The Executive Director, along with the assistant attorney general, have been reviewing board regulations for possible clarification. Drafts of board regulation clarification will be provided to the board for their review at the next meeting.

**Legislation**
**SB690** sponsored by Senator John T. Russell required a tax clearance from the Department of Revenue prior to the issuance or renewal of any local government business license. The act also allows the Secretary of State to dissolve a corporation administratively if the corporation fails to file a Missouri corporation franchise report.

**SB77** sponsored by Senator Chuck Gross enables a refund of erroneously collected sales tax from the sales of coffins and outer burial containers only if the retailer submitting the request can prove that they have already extended or intend to extend the refund to the original customers.

**HB101** sponsored by Representative Robert Thane Johnson permits refunds of incorrectly collected sales taxes upon fulfillment of certain conditions.
SB65 sponsored by Senator Wayne Goode modifies provisions of unmarked human burial act. This act adds definitions for "cemetery", "funeral director", "family burial ground" and "religious cemetery" and modifies the definition of "unmarked human burial" to distinguish an unmarked human burial from a cemetery. A motion was made by Jerry Griffin and seconded by William Stuart to write a letter to Senator Goode regarding the board's concerns and recommends language to clarify that a funeral director must be present and personally supervise any disinterment and reinterment. Motion carried unanimously with all members participating.

HB 323 sponsored by Representative Brian Baker requires license to sell funeral merchandise. 

HB 394 sponsored by Representative Richard Byrd defines next-of-kin of deceased purposes for purposes of disposition of deceased human remains.

SB 397 sponsored by Senator John Griesheimer modifies the law relating to vital records.

St. Louis Community College
Kenneth McGhee attended the St. Louis Community College at Forest Park Open House held December 6, 2002 at the college.

Missouri Funeral Director Association Annual Meeting
The 2003 Missouri Funeral Director Association Annual Convention will be held June 1-4, 2003 at Sheraton Westport Plaza, in St. Louis, Missouri.

Future Meeting Dates
The next meeting of the board is scheduled for June 2-3, 2003, at Sheraton Westport Plaza, in St. Louis, Missouri to be held in conjunction with the Missouri Funeral Director Association's Annual Convention. The board asked the executive director to check the possibility of having an August/October meeting at Lake Ozark, and December meeting at Kansas City.

Election of Officers
A motion was made by Marcia Shadel and seconded by William Stuart to nominate and vote in by acclamation Jerry Griffin as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried unanimously with all members participating.

A motion was made by Kenneth McGhee and seconded by Marcia Shadel to nominate and vote in by acclamation William Stuart as Vice-Chairman of the State Board of Embalmers and Funeral Directors. Motion carried unanimously with all members participating.

A motion was made by William Stuart and seconded by Joy Gerstein to nominate and vote in by acclamation Kenneth McGhee as Secretary of the State Board of Embalmers and Funeral Directors. Motion carried unanimously with all members participating.

On behalf of the board, Jerry Griffin thanked Donn James for his two years of service as chairman of the State Board of Embalmers and Funeral Directors.

Closed Meeting
Motion was made by William Stuart and seconded by Jerry Griffin to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) for discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant; Section 610.021 Subsection (1) for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsections (14) and Section 620-010.14 Subsection (7) for reviewing applicants for licensure; Section 610.021 Subsection (7) for reviewing testing and examination materials; Section 610.021 Subsection (5) concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; Section 610.021 for reviewing and approving the closed minutes of previous meetings. Motion carried with Donn James, William Stuart, Marcia Shadel, Jerry Griffin, Kenneth McGhee and Joy Gerstein voting in favor with no votes in opposition.

Adjournment
A motion was made by Jerry Griffin and seconded by Kenneth McGhee to adjourn. Motion carried unanimously with all members participating. The meeting adjourned at 12:30 p.m. on Thursday, March 6, 2003.

Executive Director: ______________________________

Approved by the Board on: __________________________